

REMARKS/ARGUMENTS

The present communication is responsive to the Official Action mailed on January 26, 2004 (Paper No. 11).

Claims 1, 4-7, and 10-23 are pending in the application. Of the pending claims, claims 1, 7 and 13 are independent claims. All the other pending claims depend from one of these independent claims.

Paragraph [0011] has been amended to correct a minor typographical error. In particular, "DETAILED DESCRIPTION" has been deleted from paragraph [0011] and inserted as a heading immediately before paragraph [0011]. Applicants respectfully submit that this amendment to the specification does not constitute the addition of new matter.

Claim 1 has been amended to recite "a processing unit which determines an optimal buffer size in accordance with a bit rate of said received transport stream data and which reserves, in said memory, a storage area having said optimal buffer size in response to a power-on signal in said broadcast receiver." Support for the amendments to claim 1 may be found, for example, by reference to paragraphs [0014] and [0015] of the written description. As such, the amendments to claim 1 do not constitute the addition of new matter.

Claim 1 has also been amended by deleting the previously recited wherein clause.

Claims 4 and 5 have been amended to improve their form and to depend from claim 1.

Claim 7 has been amended to now recite "determining an optimal buffer size in the memory in accordance with a bit rate of the received transport stream data and in response to a power-on signal generated by the broadcast receiver." Support for the amendments to claim 7 may be found, for example, by reference to paragraphs [0014] and [0015]. Applicants

respectfully submit, therefore, that the amendments to claim 7 do not constitute the addition of new matter.

Claims 10 and 11 have been amended to improve their form and to depend from claim 7.

Claim 13 has been amended to now recite "the program being executed by a control processor directly in response to a power reset signal generated by the broadcast receiver." Support for this amendment to claim 13 may be found, for example, by reference to paragraphs [0014] and [0015]. As such, the amendments to claim 13 do not constitute the addition of new matter.

Claim 14 has been amended to improve its form in view of the amendments to claim 13.

Claim 16 is presented for the first time. Claim 16 depends from claim 1 and recites "wherein said power-on signal is generated immediately when the main power of said broadcast receiver is switched on." Claim 17 is also presented for the first time and depends from claim 16. Claim 17 recites "a user settable input unit that is used to switch on said broadcast receiver and to generate said power-on signal." Support for claims 16 and 17 may be found, for example, by reference to paragraph [0015]. As such, claims 16 and 17 do not constitute the addition of new matter.

Claim 18 is presented for the first time. Claim 18 depends from claim 1 and recites "wherein said power-on signal is generated immediately when the main power of the broadcast receiver is reset." Claim 19 depends from claim 18 and recites "a user settable input unit that is used to reset said broadcast receiver and to generate said power-on signal." Newly presented claims 18 and 19 do not constitute the addition of new matter as support for these claims may be found, for example, by reference to paragraphs [0012] and [0015].

Newly presented claim 20 depends from claim 7 and recites "wherein the determining step further comprises detecting the power-on signal, which is generated immediately when the main power of the broadcast receiver is switched on." Claim 21 depends from claim 20 and recites "wherein the broadcast receiver is switched on by a user." Support for claims 20 and 21 may be found, for example, by reference to paragraph [0015]. Therefore, applicants respectfully submit that claims 20 and 21 do not constitute the addition of new matter.

Claims 22 and 23 are also presented for the first time. Essentially, claims 22 and 23 are drawn to a feature where the power-on signal is generated immediately when the main power of the broadcasting receiver is reset. Applicants respectfully submit that claims 22 and 23 do not constitute addition of new matter as support for these claims may be found, for example, by reference to paragraphs [0012] or [0015].

In the Official Action, the Examiner rejected all the then pending claims under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,892,508 to *Howe et al.* (hereinafter "*Howe*") in view of U.S. Patent No. 5,978,855 to *Metz et al.* (hereinafter "*Metz*") and U.S. Patent No. 5,684,791 to *Raychaudhuri et al.* (hereinafter "*Raychaudhuri*"). Specifically, the Examiner rejected the claims on the same basis as set forth in the Official Action mailed July 8, 2003 (Paper No. 8). In addition, the Examiner responded to applicants' arguments in the amendment of November 10, 2003 by pointing out that "*Raychaudhuri* discloses that the buffer size is set up during a call set up time, dependant [sic] upon the peak data rate of a CBR/VBR/ABR service class, the base station in *Raychaudhuri* must be switched on or powered on, in order to receive the data and to set up the call. Power must be supplied to a processor within *Raychaudhuri* in order for it to perform

the set up function, without power, the data may be transmitted to the base station, but the base station would be unable to interpret the data."

In view of the present amendment to the claims, applicants respectfully submit that the Examiner's rejection under 35 U.S.C. §103(a) and response to applicants' arguments of November 10, 2003 are now moot. In particular, none of the references relied on by the Examiner disclose or suggest "a processing unit which determines an optimal buffer size in accordance with a bit rate of said received transport stream data and which reserves, in said memory, a storage area having said optimal buffer size in response to a power-on signal in said broadcast receiver," as is now recited in claim 1. In addition, none of the references relied on by the Examiner disclose or suggest "determining an optimal buffer size in the memory in accordance with a bit rate of the received transport stream data and in response to a power-on signal generated by the broadcast receiver," as is now recited in claim 7. Similarly, the cited references simply do not disclose or suggest "the program being executed by a control processor immediately in response to a power reset signal generated by the broadcast receiver," as is now recited in claim 13.

Indeed, applicants agree with the Examiner that "Howe does not disclose determining an optimal buffer size." (Paper No. 11, page 3.) Further in this regard, applicants also agree with the Examiner that *Raychaudhuri* "discloses that the buffer is set up during a call set up time, dependant upon the peak rate of a CBR/VBR/ABR service class." (*Id.*) In addition, applicants respectfully submit that *Metz* is devoid of any teaching or suggestion inherent or otherwise relating to determining or reserving an optimal buffer size in response to a power-on signal or a power reset signal as is recited in the claims. As such, applicants respectfully submit that the claims

are in condition for immediate allowance as none of the references cited by the Examiner disclose, teach or suggest optimising a buffer size in response to a power-on or reset signal as is clearly recited in independent claims 1, 7 and 13.

Furthermore, as all the other pending claims, namely claims 4-6, 10-12 and 14-23, depend from either claims 1, 7 or 13, applicants respectfully submit that these claims are also in condition for immediate allowance based at least on the foregoing arguments.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding final rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: April 12, 2004

Respectfully submitted,

By 

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